

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Cedric Antonio Williams, #208709,
Cedrick Williams,

Plaintiff,

vs.

Martha Gilmore; Ms. Eddy; Ms.
Fordham; Mr. Linsey; Mr. Lott; and
Mr. Bodison, individual & official
capacities,

Defendants.

Civil Action No. 6:09-2339-CMC-WMC

REPORT OF MAGISTRATE JUDGE

The plaintiff, proceeding *pro se*, brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On December 4, 2009, defendants Bodison, Eddy, Fordham, Gilmore and Lott filed a motion for summary judgment. On December 7, 2009, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On December 23, 2009, the plaintiff requested more time to respond, and by order filed the same day he was given through February 12, 2010. He failed to file a response.

On February 12, 2010, this court entered another order in this case directing the plaintiff to provide a more accurate service address for defendant Lindsey by March 8, 2010. The plaintiff failed to do so.

As the plaintiff is proceeding *pro se*, the court filed another order on March 9, 2010, giving the plaintiff a final opportunity, through April 2, 2010, to both file his response to the motion for summary judgment and provide a more accurate service address for defendant Lindsey. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe
United States Magistrate Judge

April 13, 2010

Greenville, South Carolina